

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DATE FILED: 4/26/2024

MICROBOT MEDICAL INC.,

Plaintiff,

v.

JOSEPH MONA,

Defendant.

Case No. 19-cv-3782 (GBD) (RWL)

ORDER APPROVING SUPERSEDEAS BOND
AND STAYING ENFORCEMENT OF JUDGMENT

WHEREAS this Court entered a judgment against Defendant Joseph Mona (“Defendant”) and in favor of Plaintiff Microbot Medical (“Plaintiff”) in the amount of \$484,614.30 on March 30, 2021 (ECF 106; the “Judgment”);

WHEREAS, on April 12, 2023, Defendant filed a motion to vacate the Judgment and to dismiss the case based on lack of standing under Article III of the U.S. Constitution (ECF 220);

WHEREAS the Court denied the Motion to Vacate on March 5, 2024 (ECF 265);

WHEREAS Defendant filed a Notice of Appeal on March 15, 2024 (ECF 268), and his appeal is currently pending as Dkt. No. 24-559 (2d Cir.) (the “Appeal”);

WHEREAS, on April 17, 2024, Defendant filed a letter motion demonstrating he has been approved for a supersedeas bond in the full amount of Judgment against him and attaching the proposed form of the bond (the “Bond”).

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Bond, in the form proposed by Defendant, is approved pursuant to Fed. R. Civ. P. 62(b).

2. Defendant shall proceed forthwith to fully collateralize the bond and consummate its execution by the bonding company.

3. Plaintiff shall cooperate in authorizing any release of assets necessary to collateralize the bond directly to the bonding company.

4. No later than May 6, 2024, Defendant shall file a letter confirming that the bond has been fully collateralized and the bond executed.

5. All proceedings in this Court are stayed until the conclusion of the Appeal, and Plaintiff shall desist from any further efforts to enforce the Judgment or to seek turnover of Defendant's assets in this Court or otherwise. In the event that Defendant fails to fully collateralize and obtain execution of the bond by May 6, 2024, Plaintiff shall so inform the Court and may request that the stay be lifted.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal flourish extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: April 26, 2024
New York, New York